

Minutes of a Regular Meeting of the City Council.

Austin, Texas, September 2, 1895

Hon. Henry A. Linn, President of the board of Alderman, presiding.

Roll Call

Present - Aldermen Afman, Fischer, Glass, Glascock, Goeth,
Haynes, Hume, Lawless, Linn, Nitschke, Platt, Powell, Redd,
Robertson, Schneider, Shelley, Tobin, Townsend. - 18

Absent - Alderman Anderson, Jackson, Taylor, Wilmot - 4

Alderman Schneider moved a call of the Council, which was duly seconded and adopted.

Alderman Anderson entered the Council Chamber and answered to his name.

The call of the Council was on motion suspended.

Minutes of the meetings of the City Council held August 19th and 21st were on motion adopted as printed.

Petitions Memorials, Etc.

Cf. petition in regard to laying water pipe on 18 or 19 Sts. By Alderman Afman - A petition of citizens requesting that water pipe be laid to the City limits either on Eighteenth or Nineteenth streets.

Referred to the water and light commission.

By Alderman Nitschke - A petition of citizens requesting the City Council to have water pipe, laid as above requested.

Referred to the water and light commission.

By Alderman Platt - A petition of citizens and taxpayers of the City carrying on business on East Sixth street asking that the water carts be not permitted to interfere with business on that street by standing in front of stores and causing the street to be made very wet.

Referred to the water and light commission and city engineer, with power to act.

Alderman Taylor entered the Council Chamber and answered to his name.

By Alderman Fischer - A petition from Mr William G. Bell for permission to construct a stone wall on Neches street, between West Eighth and Ninth streets, in the rear of lots 1 and 2, block 102.

Alderman Shelley moved to refer the petition to the street committee with power to act.

Alderman Schneider, as a substitute moved to refer the petition to a special committee of three. The substitute was accepted and adopted.

The Chair then appointed Aldermen Schneider, Townsend and Platt as the Committee.

Reports of City Officers.

For the month of August 1895.

Alderman Anderson moves that the reading of the reports be dispensed with and that they be referred to their respective committees.

Carried.

The following is a synopsis of the reports:

By the City Assessor and Collector:
Collections.

Account of general revenue	\$ 9,494.50
Account Water work interest and sinking fund	10,254.89
Account interest on old bonds	953.86
Account School fund	<u>4,575.74</u>
Total	\$ 25,278.99

Referred to Committee on finance.

By the City Marshal:

Total amount of fines assessed in the Recorder's Court	\$ 355.00
Collected in Cash	\$ 158.75
Written out	65.25
Appealed	50.00
Escaped	20.00
Carried forward	<u>61.00</u>
Total	\$ 335.00

Total number of arrests made

60

Referred to the Committee on police

By the City Clerk: Statement of warrants issued against the General fund during the month of August, 1895

Total Amount issued \$ 6,417.76

Referred to Finance Committee

By the City Clerk - Statement of Warrants issued against the Water and light general fund during August 1895

Total Amount issued \$ 46,982.74

Referred to the finance Committee.

By the City Clerk - Statement of Warrants issued against the water and light Earnings fund during August 1895

Total Amount issued \$ 716.35

Referred to finance Committee.

By the Superintendent Water and light System:

Report of Collections made during August, 1895:

For water	\$ 402.98
For Electricity	<u>1,080.45</u>
Total	\$ 1,483.43

By City Treasurer:

Balances on hand September 2 1895 -

Account General revenue	\$ 1,374.09
Account interest on old bonds	496.73
Account Earnings fund	1,251.57
Account Water and light general fund	158,129.93
Account interest on Water and light bonds	1,204.72
Account sinking fund Water and light bonds	22,000.00

Referred to finance Committee.

By the City Physician:

Number of patients in hospital, August 1.

12

Number of patients admitted to hospital during August

21

Number of patients discharged from hospital during August	14
Number of deaths in hospital during August	2
Number of patients remaining in hospital September 1	17
Number of visits made paupers during August	85
Number of prescriptions written for paupers during August	141

Referred to Hospital Committee.

By the City Sexton:

Total number of deaths 17; white 16, Colored 2; male 14, female 4.

Referred to Cemetery Committee.

Reports of Committees.

Report in regard to damage of
11th St. near Court House.

Alderman Tobin for the Water and light commission, to whom was referred a resolution in regard to injury to Eleventh Street near the Court house, caused by the water running across it when flushing the Avenue gutter, presented a report, which states the resolution "was read at a meeting of the water and light Commission held August 30, 1895, and on motion it was directed to be returned with the information that the fire hydrant will be removed to the corner at the Court house as soon as possible."

W. J. Oliphant,

Secty Water and Light Commission.

Alderman Tobin for the water and light Commission presented the following:

Austin, Texas, September 2, 1895.

Hon. Mayor and City Council, Austin, Texas.

Gentlemen - Your Water and light Commission would respectfully represent that the accompanying papers embracing a report from a Committee from the Board of Trade concerning the furnishing of power for the Cotton mill therein mentioned were considered at a meeting of the Commission held on this date and on motion they were referred to the City Council with the recommendation that undevolved water power be furnished at \$4 per horse power per annum, provided 250 horse power be taken or that electric power be furnished at \$10 per horse power per annum for the first two years and at \$12⁵⁰ per horse power per annum thereafter, with the condition that the City can diminish or increase the rate for the electric power at any time as the rates for electricity are diminished or increased to the Citizens. Respectfully submitted

Wm H Tobin,

Francis Fischer,

P. J. Lawless,

J. P. Schneider,

Water and Light Commission.

The report was adopted.

The following was read:

Austin Texas, September 2, 1895

Supintendent's recommendation in W. H. Tobin, Chairman Water and light Commission:

Dear Sir - Believing that in many localities where it is now proposed to lay 6-inch and 4-inch mains, 2-inch mains would

give abundant service, I respectfully suggest that you recommend to the City Council that the total 6-inch and 4-inch mains be reduced to 25 miles as originally contemplated and that enough 2-inch pipe be laid to reach all water consumers. I make this recommendation in view of the resolution heretofore adopted by the City Council to lay 25 miles of mains and enough smaller pipe to reach all water consumers, and because it is impossible to reach a great number of those who want water without laying a large quantity of 2-inch and smaller pipe.

Very respectfully submitted.

Jno. W. Maddox,

Superintendent.

Approved and recommended to the City Council

Wm. N. Tobin,

Francis Fischer,

J. P. Schneider,

P. J. Lawlys,

Water and Light Commission.

Alderman Powell moved that the report be adopted.

Alderman Anderson as a substitute moved that the report be laid over until the next meeting of the City Council and that the Aldermen of the respective wards be requested to ascertain how much of each size of water pipe smaller than four inches can be used in their respective wards in lieu of 4 and 6-inch pipe and make report to the water and light Commission by next Friday evening. The substitute prevailed by a rising vote of 11 to 4.

Alderman Powell, for the Committee on Police to whom was referred the City Marshal's report for the month of July 1895, presented a report thereon which states "that the said reports were examined and found to be correct".

The report of the Committee was adopted.

Unfinished business.

Motion to contract with S. R. Fisher.
atty to
as atty to

The question of employing an attorney to represent the City in the suit of the Penn Mutual Life Insurance Company vs. City of Austin, now pending in the Supreme Court of the United States, as recommended by the Mayor and City Attorney on August 5, 1895, and in accordance with the proposal of Mr. S. R. Fisher then presented to the City Council being the pending business, Alderman Townsend moved that the recommendations of the mayor and City Attorney be adopted and the mayor authorized to enter into a contract with S. R. Fisher in accordance with the recommendations of the mayor and City Attorney and Mr. Fisher's proposition made to the mayor.

The motion was lost by the following vote.

Yea - Alderman Anderson, Chapman, Glaf, Goode, Lawlys, Linn, Hall, Shelley, Tobin, Townsend - 10

Nay - Alderman Fischer, Glascock, Haynes, Hume, Nichols, Powell, Redd, Robertson, Schneider, Taylor - 10

Alderman Glasscock moved that the mayor be requested to confer with Mr. Pendexter and ascertain how much he will charge to represent the City in the above-named case and that the ordinance Committee be instructed to prepare an ordinance appropriating the sum of \$250.00 to defray Mr. Pendexter's expenses while so engaged.

Alderman Powell moved to reconsider the vote by which the motion made by Alderman Townsend to adopt the recommendation of the mayor and City attorney and to accept the proposition of Mr. J.R. Fisher, above referred to, was lost. The motion prevailed by the following vote:
 Yeas - Alderman Anderson, Aßmann, Fischer, Glass, Goeth, Lawley, Linn, Nitschke, Powell, Roberdeau, Schneider, Shelley, Tobin, Townsend - 14.
 Nays - Aldermen Glascock, Haynes, Hume, Platt, Redd, Taylor, - 6

The motion made by Alderman Townsend was then adopted by the following vote:

Yeas - Aldermen Anderson, Aßmann, Fischer, Glass, Goeth, Lawley, Linn, Nitschke, Platt, Powell, Roberdeau, Schneider, Shelley, Tobin, Townsend - 15
 Nays - Aldermen Glascock, Haynes, Hume, Redd, Taylor, - 5.

The question of electing a City Auditor being the next business in order, nominations were made as follows:

Alderman Aßmann nominated G. A. Wheatley.

Alderman Fischer nominated T. L. Wren.

Alderman Glascock nominated James Downie.

Alderman Powell nominated H. H. Dodge, Jr.

Alderman Anderson nominated O. H. Millican.

There being no other nominations the Chair appointed Aldermen Taylor Aßmann and Tobin as Tellers.

A ballot was then cast and duly canvassed and the result thereof reported by the tellers as follows:

G. A. Wheatley received 5 votes,

T. L. Wren received 5 votes,

James Downie received 6 votes,

H. H. Dodge, Jr. received 2 votes,

O. H. Millican received 2 votes.

No one having received a majority of all the votes cast another ballot was ordered, the result of which was reported by the tellers as follows:

G. A. Wheatley received 7 votes,

T. L. Wren received 6 votes,

James Downie received 5 votes,

No one having received a majority of all the votes cast, a third ballot was ordered, the result of which was reported by the tellers as follows:

G. A. Wheatley receives 8 votes,

T. L. Wren receives 7 votes,

James Downie received 4 votes.

No one having received a majority of all the votes cast another ballot was taken, the result of which was reported by the tellers

as follows:

G A Wheatley received 9 votes.

J. L Wren received 5 votes.

James Downie received 6 votes.

No one having received a majority of all the votes cast, another ballot was ordered, the result of which was reported by the tellers as follows:

G. A. Wheatley received 14 votes.

J. L. Wren receives 3 votes,

James Downie received 3 votes.

The Chair then declared G A Wheatley duly elected City Auditor of the City of Austin for the ensuing term.

New Business.

The following resignation was read:

Austin, Texas, Sept. 2, 1895.

Hon. Henry A Sims, Acting Mayor, and Board of Aldermen of the City of Austin, Texas:

Gentlemen.— I hereby tender to your honorable body my resignation as City Clerk of the City of Austin, to take effect September 15, 1895. I have been tendered a better position in your midst than the one I now occupy, and feeling it my duty to advance my personal interests, have accepted the same. In doing so, I am not unmindful of the present relations that have existed between your honorable body and myself during the past nine and three quarter years I have been honored with my present position. Nor am I forgetful of the debt of gratitude I owe for your uniform kindness and support and I beg to assure each one of you of my heartfelt appreciation of the same.

Yours, very truly

Milton Morris,

City Clerk.

Alderman Fischer moved that the resignation be accepted and that the ordinance Committee be directed to draft suitable resolutions expressing the sense of the Council in regard to the faithful and efficient services of the retiring City Clerk.

The motion was unanimously adopted by a rising vote.

The resignation of Alderman Jackson from the Tenth Ward was then read and accepted.

Alderman Tobin moved that the City Council do now proceed to elect a City Clerk to succeed the present City Clerk September 15, next. The motion prevailed and the Chair appointed Aldermen Anderson Glaf and Glascock as tellers.

Nominations were then declared to be in order, whereupon Alderman Haynes nominated P. J. King.

Alderman Fischer nominated Jas. O. Johnson.

Alderman Taylor nominated J. D. Robertson.

City Clerks resignation
accepted.

Alderman Jackson resigns

Election of City Clerk.

A ballot was then ordered, the result of which was reported by the tellers as follows:

P. F. King received 7 votes.

Jno. O. Johnson received 12 votes,

J. D. Roberson received 1 vote.

The Chair then declared Jno. O. Johnson duly elected City Clerk for the unexpired term.

Alderman Afsmann was excused from further attendance on the session of the City Council.

By Alderman Goeth -

An ordinance appropriating the sum of \$4,844.88 for the purpose of paying approved accounts.

It was read, after which Alderman Schneider moved that the Council stand adjourned. Lost.

Alderman Redd asked to be excused from further attendance on the session of the Council. It was moved and adopted that he be not excused.

Alderman Goeth moved that no Alderman be excused until the pending appropriation ordinances are disposed of.

Adopted.

Alderman Glascock moved that the Council stand adjourned. Lost.

Alderman Townsend moved that Fred Carleton, City recorder, be granted leave of absence from September 12 to 27 inclusive. Carried.

The last above named ordinance was then passed, under suspension of the rules, by the following vote:

Yea - Aldermen Anderson, Fischer, Glass, Glascock, Goeth, Haynes, Hume, Lawley, Linn, Nitochke, Platt, Powell, Roberson, Schneider, Shelley, Taylor, Tobin, Townsend = 18
Nay - Alderman Redd.

Alderman Redd moved that the Council now stand adjourned. Lost.

By Alderman Goeth -

An ordinance appropriating the sum of \$2405.00 for the purpose of paying interest on old bonds of the City of Austin.

It was passed, under suspension of the rules, by the following vote:

Yea - Aldermen Anderson, Fischer, Glass, Glascock, Goeth, Haynes, Hume, Lawley, Linn, Nitochke, Platt, Powell, Roberson, Schneider, Shelley, Taylor, Tobin, Townsend = 18

By Alderman Goeth -

Resolved, That the City treasurer be and is hereby authorized and directed to transfer the sum of eight thousand (\$8,000.00) dollars from the water works and electric light fund to the general fund to reimburse the general fund for funds heretofore transferred from the general fund to the water and light fund. Adopted.

\$25 Fisher. \$500.00 By Alderman Lawley - An ordinance the sum of \$500.00 for

Leave of Absence to City Recorder

Ord. approv'd 4844.88 passed.

Ord. approv'd 2405 for interest on old bonds
passed

Transferring \$8000 from W.W. & E.L. fund
to General fund.

\$25 Fisher. \$500.00 By Alderman Lawley - An ordinance the sum of \$500.00 for

part atty fees.

the purpose of paying the first instalment of fee to S. R. Fisher for services in Supreme Court of the United States.

Alderman Platt moved to defer action on the ordinance until the next regular meeting of the City Council.

Lost.

The ordinance was then passed, under suspension of the rules, by the following vote:

Yea - Aldermen Anderson, Fischer, Glass, Goeth, Lawless, Linn,
Nitschke, Powell, Roberdeau, Schneider, Shelley, Tobin,
Townsend - 13.

Nays - Aldermen Glascock, Haynes, Hume, Platt, Redd, Taylor - 6.
Alderman Fischer moved to excuse Aldermen Lawless Redd and
Glascock from further attendance on the session of the Council
and the motion prevailed.

By Alderman Tobin - An ordinance appropriating the sum
of \$11,108.58 for the purpose of paying estimate No. 1 in favor
of Walter Tips for cast iron pipe and special castings furnished
the City of Austin under his contract with the city dated July 25th 1895.

The ordinance was passed, under suspension of the rules, by the
following vote:

Yea - Aldermen Anderson, Fischer, Glass, Goeth, Haynes, Hume,
Linn, Nitschke, Platt, Powell, Roberdeau, Schneider, Shelley,
Taylor, Tobin, Townsend - 16

By Alderman Tobin - An ordinance appropriating the sum
of \$5000 for the purpose of paying expenses of the water and
light system of the City of Austin.

The ordinance was passed, under suspension of the rules, by
the following vote:

Yea - Aldermen Anderson, Fischer, Glass, Goeth, Haynes, Hume,
Linn, Nitschke, Platt, Powell, Roberdeau, Schneider, Shelley,
Taylor, Tobin, Townsend - 16.

By Alderman Townsend - An ordinance appropriating the
sum of \$110 for the purpose of paying extra street laborers.

The ordinance was read first, after which it was placed on
its second reading under suspension of the rules.

Alderman Schneider then moved to amend the caption and
section 1 of the ordinance by striking out "\$110" and inserting in lieu
thereof "\$250". The motion carried and the ordinance was passed
under suspension of the rules by the following vote:

Yea - Aldermen Anderson Fischer Glass Goeth Haynes Hume
Linn Nitschke Powell Platt Roberdeau Schneider Shelley
Taylor Tobin Townsend - 16.

The council then adjourned.

"Milton" Morris,
City Clerk.

Ord. approv'd \$11,108.58 to pay
Walter Tips, Est. No. 1.

Ord. approv'd \$5000.00 for W&L
expenses

Ord. approv'd \$110. for street laborers.

Amended to \$250. passed.